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PATENT TRADEMARK OFFICE  
Atty. Docket: END5051-0515141

**THE UNITED STATES PATENT & TRADEMARK OFFICE**

Applicant: Freeman et al. : Paper No:

Serial No. 10/736,421 : Group Art Unit: 3739

Filed: December 15, 2003 : Examiner:

For: METHOD AND DEVICE FOR MINIMALLY INVASIVE IMPLANTATION OF BIOMATERIAL

**INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In accordance with 37 C.F.R. §§ 1.97 and 1.98, Applicants herewith submit certain patent references and other information, which the Patent & Trademark Office may wish to consider in examining the above-identified application. The references are provided below, and are also listed on the attached Form PTO-1449.

U.S. PATENTS	ISSUE/ PUBLICATION DATE	INVENTOR
4,902,295	02-20-1990	Walthall et al.
4,987,136	01-22-1991	Kreek et al.
5,254,133	10-19-1993	Seid
5,508,397	04-16-1996	Or et al.
5,531,759	07-02-1996	Kensey et al.
5,561,140	10-01-1996	Kawai et al.
5,599,927	02-04-1997	Or et al.
5,604,203	02-18-1997	Balasubramaniam
5,604,293	02-18-1997	Fiddes et al.
5,604,294	02-18-1997	Luly et al.
5,612,350	03-18-1997	Or et al.
5,674,722	10-07-1997	Mulligan et al.
5,859,031	01-12-1999	Hamilton et al.



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U.S. PATENTS	ISSUE/ PUBLICATION DATE	INVENTOR
5,891,462	04-06-1999	Carrara
5,912,227	06-15-1999	Croom, Jr. et al.
5,912,253	06-15-1999	Cottens et al.
5,925,649	07-20-1999	Hersperger et al.
5,990,131	11-23-1999	Hamilton et al.
5,994,299	11-30-1999	Barriere et al.
6,004,973	12-21-1999	Guitard et al.
6,007,840	12-28-1999	Hauer et al.
6,179,826	01-30-2001	Rebischer et al.
6,235,713 B1	05-22-2001	Achen et al.
6,406,498 B1	06-18-2002	Törmälä et al.

In addition, other prior art is enclosed as:

MOLLINSON, et al.; *“Discovery of Ascomycin Analogs with Potent Topical but Weak Systemic Activity for Treatment of Inflammatory Skin Diseases”*; Current Pharmaceutical Design (1998); pages 367-380; Volume 4; Bentham Science Publishers B.V.

LIU, C.D., et al.; *“A Novel Synthetic Analog of Peptide YY, BIM-43004, Given Intraluminally, Is Proabsorptive”*; Journal of Surgical Research (1995); Pages 80-84; Volume 59; Academic Press, Inc.

LITVAK, D.A.; *“Characterization of Two Novel Proabsorptive Peptide YY Analogs, BIM-43073D and BIM-43004C”*; Digestive Diseases and Science (March 1999); pages 643-648; Volume 44(3); Plenum Publishing Corporation.

KING, P.J., et al.; *“Regulation of Neuropeptide Y Release by Neuropeptide Y Receptor Ligands and Calcium Channel Antagonists in Hypothalamic Slices”*; Journal of Neurochemistry (1999); pages 641-646; Volume 73(2); International Society for Neurochemistry.

GIANNIS, A., et al.; *“Peptidomimetics in Drug Design”*; Advances in Drug Research (1997); Volume 29(1); Academic Press Limited.

NABEL, E.G., et al.; *“Recombinant Gene Expression in Vivo Within Endothelial Cells of the Arterial Wall”*; Science Reports; June 16, 1989; pages 1342-1344; Volume 244.

Copies of non-patent literature cited are provided herewith. No representation is made or intended that a prior art search has been made or that no better art than the listed is available. It is respectfully requested that the information be considered by the Examiner and made of record in the present application.

Applicants enclose a fee of \$180. The Commissioner for Patents is hereby authorized to charge any deficiency or credit any overpayment of fees to Frost Brown Todd LLC's Deposit Account No. 06-2226.

**CERTIFICATE OF MAILING**

I hereby certify that a copy of this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

July 5, 2005  
Linda E. Spore

Linda E. Spore

Respectfully submitted,

Lynetta J. Freeman, et al.



By:

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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

		Application Number	10/736,421
		Filing Date	December 15, 2003
		First Named Inventor	Lynetta Jean Freeman
		Art Unit	3739
		Examiner Name	
Total Number of Pages in This Submission		Attorney Docket Number	END5051.0515141

### ENCLOSURES (Check all that apply)

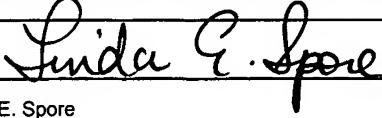
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please Identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> Form PTO-1449; Cited References; Check (\$180); Return Postcard.
<input checked="" type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		
Remarks		

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Frost Brown Todd LLC		
Signature			
Printed name	Stephen R. Albainy-Jenei		
Date	July 5, 2005	Reg. No.	41,487

### CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	Linda E. Spore	Date	July 5, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



Substitute for Form PTO 1449

INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>				Complete if Known			
Sheet	1	of	2	Application No.	10/736,421		
				Filing Date	December 15, 2003		
				First Named Inventor	Lynetta J. Freeman		
				Art Unit	3739		
				Examiner Name			
				Attorney Docket No.	END-5151.0515141		
U.S. PATENT DOCUMENTS							
Examiner initials	Cite No.	DOCUMENT NUMBER		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	
		Number-Kind code <sup>2</sup> (if known)					
		US-	4,902,295	02-20-1990	Walhall et al.		
		US-	4,987,136	01-22-1991	Kreek et al.		
		US-	5,254,133	10-19-1993	Seid		
		US-	5,508,397	04-16-1996	Or et al.		
		US-	5,531,759	07-02-1996	Kensey et al.		
		US-	5,561,140	10-01-1996	Kawai et al.		
		US-	5,599,927	02-04-1997	Or et al.		
		US-	5,604,203	02-18-1997	Balasubramaniam		
		US-	5,604,293	02-18-1997	Fiddes et al.		
		US-	5,604,294	02-18-1997	Luly et al.		
		US-	5,612,350	03-18-1997	Or et al.		
		US-	5,674,722	10-07-1997	Mulligan et al.		
		US	5,859,031	01-12-1999	Hamilton et al.		
		US-	5,891,462	04-06-1999	Carrara		
		US-	5,912,253	06-15-1999	Croom, Jr. et al.		
		US	5,912,253	06-15-1999	Cottens et al.		
		US-	5,925,649	07-20-1999	Hersperger et al.		
		US-	5,990,131	11-23-1999	Hamilton et al.		
		US-	5,994,299	11-30-1999	Barriere et al.		
		US-	6,004,973	12-21-1999	Guitard et al.		
		US-	6,007,840	12-28-1999	Hauer et al.		
		US-	6,235,713 B1	05-22-2001	Achen et al.		
		US-	6,179,826	01-30-2001	Rebischer et al.		
		US-	6,406,498 B1	06-18-2002	Törmälä et al.		
FOREIGN PATENT DOCUMENTS							
Examiner Initials	Cite No.	Foreign Patent Document		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures	T <sup>6</sup>
		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind code <sup>5</sup> (if known)					

EXAMINER SIGNATURE \_\_\_\_\_ DATE CONSIDERED \_\_\_\_\_  
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter office that issued the document, by the two-letter code (WIPO Standard ST. 3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

## Substitute for Form PTO 1449

<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> <i>(use as many sheets as necessary)</i>				<b>Complete if Known</b>		
				Application No.	EV311438011US	
				Filing Date	December 30, 2003	
				First Named Inventor	Lynetta J. Freeman	
				Art Unit	3739	
				Examiner Name		
Sheet	2	of	2	Attorney Docket No.	END5094.0515519	

<b>OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS</b>							
Examiner initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published					T <sup>6</sup>
		<b>MOLLINSON, et al.; "Discovery of Ascomycin Analogs with Potent Topical but Weak Systemic Activity for Treatment of Inflammatory Skin Diseases"; Current Pharmaceutical Design (1998); pages 367-380; Volume 4; Bentham Science Publishers B.V.</b>					
		<b>LIU, C.D., et al.; "A Novel Synthetic Analog of Peptide YY, BIM-43004, Given Intraluminally, Is Proabsorptive"; Journal of Surgical Research (1995); Pages 80-84; Volume 59; Academic Press, Inc.</b>					
		<b>LITVAK, D.A.; "Characterization of Two Novel Proabsorptive Peptide YY Analogs, BIM-43073D and BIM-43004C"; Digestive Diseases and Science (March 1999); pages 643-648; Volume 44(3); Plenum Publishing Corporation.</b>					
		<b>KING, P.J., et al.; "Regulation of Neuropeptide Y Release by Neuropeptide Y Receptor Ligands and Calcium Channel Antagonists in Hypothalamic Slices"; Journal of Neurochemistry (1999); pages 641-646; Volume 73(2); International Society for Neurochemistry.</b>					
		<b>GIANNIS, A., et al.; "Peptidomimetics in Drug Design"; Advances in Drug Research (1997); Volume 29(1); Academic Press Limited.</b>					
		<b>NABEL, E.G., et al.; "Recombinant Gene Expression in Vivo Within Endothelial Cells of the Arterial Wall"; Science Reports; June 16, 1989; pages 1342-1344; Volume 244.</b>					

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<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter office that issued the document, by the two-letter code (WIPO Standard ST. 3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.